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सं० 20]

नई दिल्ली, शनिवार, मई 15, 1965 (वैशाख 25, 1887)

No. 20]

NEW DELHI, SATURDAY, MAY 15, 1965 (VAISAKHA 25, 1887)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग III—खण्ड 4

PART III—SECTION 4

विधिका निकायों द्वारा जारी की गई विविध अधिसूचनाएं जिसमें अधिसूचनाएं, आदेश, विज्ञापन और सूचनाएं सम्मिलित हैं
Miscellaneous Notifications including Notifications, Orders, Advertisements and Notices issued by Statutory Bodies

डाक व तार विभाग

नई दिल्ली, दिनांक 5 मई, 1965

सं० 25/14/65-एल०आई०—श्री हरी प्रसाद चिमन
लाल मेहता की क्रमांक 34979 सी/75742 तथा दिनांक
5 अप्रैल, 1927 की 1,000 रुपए की डाक जीवन बीमा पालिसी

उनके संरक्षण से गुम हो गई है। यह सूचित किया जाता है कि उक्त पालिसी का भुगतान रोक दिया गया है। उपनिदेशक डाक-जीवन बीमा, कलकत्ता को बीमेदार के नाम पालिसी की दूसरी प्रति जारी करने के अधिकार दे दिए गए हैं। जनता को चेतावनी दी जाती है कि मूल पालिसी के सम्बन्ध में कोई लेन देन न करे।

एम० श्रीनिवासन, निदेशक, डाक जीवन बीमा

STATE BANK OF INDIA

NOTICE

Bombay, the 4th May 1965

The following appointment on the Bank's staff is hereby notified :-

Shri S. Venkatachari to officiate as an Assistant Inspector on the Central Office staff as from the 27th April 1965.

N. RAMANAND RAO
Managing Director

STATE BANK OF SAURASHTRA

Bhavnagar, the 14th April 1965

No. 138—Postings of the following officers authorised in terms of the Bank's Notification No. 27 dated the 24th December 1963 are notified as under :—

Shri P. B. Akhani was posted as Assistant Accountant, Junagadh Branch as from the commencement of business on the 29th March 1965.

Shri N. S. Barot was posted as Officer-in-Charge of the Dhrol Pay Office (under the Jamnagar) (Ranjit Road Branch) as from the commencement of business on the 30th March 1965.

Shri B. D. Mehta was posted as Assistant Accountant, Surendranagar Branch as from the commencement of business on the 8th April 1965.

Shri N. S. Barot was posted as Manager, Dhrol Branch as from the commencement of business on the 12th April 1965.

S. C. NAGAR
General Manager

STATE BANK OF PATIALA

NOTICE

Patiala, the 1st May 1965

SBP No. —The following transfers and changes in the posting of Bank's staff are hereby notified :—

1. Shri Wazir Chand Marya, Officer grade 'C', to be Assistant Accountant, Branch Department at Head Office, from the commencement of business on the 12th April 1965.

2. Shri Madan Lal Yakhmi, Junior Officer, to be Assistant Accountant, Delhi Branch from the commencement of business on the 27th April 1965.

3. Shri Mukat Behari Mathur, Officer grade 'C', to be Assistant Accountant, Branch Department from the commencement of business on the 22nd April 1965.

4. Shri Jaspal Singh, Officer grade 'C', held charge of Delhi Branch, from the close of business on the 30th March to the commencement of business on the 1st April, and from the close of business on the 12th April to the commencement of business on the 17th April 1965 vice Shri Atam Singh Puri.

5. Shri Din Dayal, Officer grade 'B', held charge of Staff Department, from the close of business on the 1st April to the commencement of business on the 3rd April 1965 in addition to his own duty vice Shri Amar Singh Sarao.

6. Shri Brij Lal Ahluwalia, Officer grade 'A', to be Superintendent, Advances Department at Head Office, from the commencement of business on the 7th April 1965.

7. Shri H. C. Vishnoi, Staff Officer, State Bank of India, to be Deputy General Manager of State Bank of Patiala, from the commencement of business on the 6th April 1965.

D. CHATTERJEE
General Manager

THE BAR COUNCIL OF INDIA

The Rules of the Bar Council of India have been amended on the 11th of April 1965 by way of additions and alterations made thereto as set out in the following resolutions of the Council :

A. RESOLUTION NO. 43/1965

RESOLVED that the rules of the Council in Chapter I, Part III be amended as set out hereunder :—

I. In lieu of rules 1 and 2 in Chapter 1, Part III substitute the following :—

"1. *Seniority of Vakils, Pleaders and Attorneys not entitled to practise in the High Court.*—The seniority of a Vakil, Pleader or Attorney, who was not entitled to practise in the High Court, and who was enrolled as an advocate immediately before the appointed day, or who is enrolled after that day, shall be determined according to the date of enrolment as advocate.

2. *Seniority of Advocates.*—The seniority of other advocates referred to in Section 17(1)(a) shall—

- (a) in the case of persons whose names were entered in the rolls under Section 8(3)(a) of the Indian Bar Councils Act, 1926, be the dates from which their seniority was reckoned in the said rolls;
- (b) in the case of persons admitted as advocates under Section 58A of the Act, be the dates of their first admission as advocate, vakil or pleader, if by reason of such admission they were entitled to practise in the High Court of Allahabad or the Chief Court of Oudh.
- (c) in the case of other persons, be determined in accordance with the date of enrolment under the Indian Bar Councils Act, 1926.

Proviso to (a), (b), and (c).—Provided that in the case of a person whose name had been entered on the rolls of more than one High Court, the date as shown in the High Court in which he was first enrolled shall be taken as the date for entry for purposes of seniority in the rolls under Section 17(1)(a) of the Advocates Act, 1961.

3. In cases not covered by any of the previous rules in this Chapter or in case of doubt, the seniority shall, or a reference by a State Bar Council be according to the date as may be determined by the Bar Council of India.

4. *Seniority of Senior Advocates of the Supreme Court.*—The seniority of a Senior Advocate enrolled before the appointed day shall be determined in accordance with the date of his enrolment as Senior Advocate.

II. Re-number rule 3 as 5, rule 4 as 5A and rule 5 as 5B.

III. In rule 6 in lieu of the words "as an advocate" substitute the words "as Senior Advocate".

B. RESOLUTION NO. 51/1965

RESOLVED that the rules of the Council be and are hereby amended as follows :—

Add following as Chapter V in Part III of the rules of the Council :—

CHAPTER V

(Rules under Sec. 49(c) of the Act)

STANDARDS OF PROFESSIONAL CONDUCT AND ETIQUETTE

Preamble

An Advocate shall, at all times, comport himself in a manner befitting his status as an officer of the court, a privileged member of the community, and a gentleman, bearing in mind that what may be lawful and moral for a person who is not a member of the Bar, or for a member of the Bar in his non-professional capacity may still be improper for an advocate. Without prejudice to the generality of the foregoing obligation, an Advocate shall fearlessly uphold the interests of his client, and in his conduct conform to the rules hereinafter mentioned

both in letter and in spirit. The rules hereinafter mentioned contain canons of conduct and etiquette adopted as general guides; yet the specific mention thereof shall not be construed as a denial of the existence of others equally imperative though not specifically mentioned.

Section I—Duty to the Court

1. An Advocate shall, during the presentation of his case and while otherwise acting before a court, conduct himself with dignity and self-respect. He shall not be servile and whenever there is proper ground for serious complain against a judicial officer, it shall be his right and duty to submit his grievance to proper authorities.

2. An Advocate shall maintain towards the courts a respectful attitude, bearing in mind that the dignity of the judicial office is essential for the survival of a free community.

3. An Advocate shall not influence the decision of a court by any illegal or improper means. Private communications with a judge relating to a pending cause are forbidden.

4. An Advocate shall use his best efforts to restrain and prevent his client from resorting to sharp or unfair practices or from doing anything in relation to the court, opposing—counsel or parties which the Advocate himself ought not to do. An Advocate shall refuse to represent the client who persists in such improper conduct. He shall not consider himself a mere mouth-piece of the client, and shall exercise his own judgment in the use of restrained language in correspondence, avoiding scurrilous attacks in pleadings, and using intemperate language during arguments in court.

5. An Advocate shall appear in court at all times only in the prescribed dress, and his appearance shall always be presentable.

6. An Advocate shall not practise before a Judge sitting alone or a Bench of Judges, if the Judge or any member of the Bench is related to the Advocate as husband, father, grand-father, son, grandson, brother, father-in-law, son-in-law, brother-in-law, uncle, nephew, first cousin, wife, mother, daughter, sister, mother-in-law, daughter-in-law, sister-in-law, aunt or niece.

7. An Advocate shall not wear bands or gown in public places other than in courts except on such ceremonial occasions, and at such places as the Bar Council of India or the Court may prescribe.

8. An Advocate shall not appear in or before any Court or tribunal or any other authority for or against an organisation or an institution, society or corporation, if he is a member of the Executive Committee of such organisation or institution or society or corporation. "Executive Committee", by whatever name it may be called, shall include any committee or body of persons which, for the time being, is vested with the general management of the affairs of the organisation or institution, society or corporation.

9. An Advocate should not act or plead in any matter in which he is himself pecuniarily interested.

Illustration :

I. He should not act in a bankruptcy petition when he himself is also a creditor of the bankrupt.

II. He should not accept a brief from a company of which he is a director.

10. An Advocate shall not stand as a surety, or certify the soundness of a surety, for his client required for the purpose of any legal proceedings.

Section II—Duty to the Client

11. An Advocate is bound to accept any brief in the courts or tribunals or before any other authority in or before which he professes to practise at a fee consistent with his standing at the Bar and the nature of the case. Special circumstances may justify his refusal to accept a particular brief.

12. An Advocate shall not ordinarily withdraw from engagements, once accepted, without sufficient cause and unless reasonable and sufficient notice is given to the client. Upon his withdrawal from a case, he shall refund such part of the fee as has not been earned.

13. An Advocate should not accept a brief or appear in a case in which he has reason to believe that he will be a witness, and if being engaged in a case, it becomes apparent that he is a witness on a material question of fact, he should not continue to appear as an Advocate if he can retire without jeopardising his client's interests.

14. An Advocate shall, at the commencement of his engagement and during the continuance thereof, make all such full and frank disclosures to his client relating to his connection with the parties and any interest in or about the controversy as are likely to affect his client's judgment in either engaging him or continuing the engagement.

15. It shall be the duty of an Advocate fearlessly to uphold the interests of his client by all fair and honourable means without regard to any unpleasant consequences to himself or any other. He shall defend a person accused of a crime regardless of his personal opinion as to the guilt of the accused, bearing in mind that his loyalty is to the law which requires that no man should be convicted without adequate evidence.

16. An Advocate appearing for the prosecution in a criminal trial shall so conduct the prosecution that it does not lead to conviction of the innocent. The suppression of material capable of establishing the innocence of the accused shall be scrupulously avoided.

17. An Advocate shall not, directly or indirectly, commit a breach of the obligations imposed by Section 126 of the Indian Evidence Act.

18. An Advocate shall not, at any time, be a party to fomenting of litigation.

19. An Advocate shall not act on the instructions of any person other than his client or his authorised agent.

20. An Advocate shall not stipulate for a fee contingent on the results of litigation or agree to share the proceeds thereof.

21. An Advocate shall not buy or traffic in or stipulate for or agree to receive any share or interest in any actionable claim. Nothing in this Rule shall apply to stock, shares and debentures or government securities, or to any instruments which are, for the time being, by law or custom, negotiable or to any mercantile document of title to goods.

22. An Advocate shall not, directly or indirectly, bid for or purchase, either in his own name or in any other name, for his own benefit or for the benefit of any other person, any property sold in the execution of a decree or order in any suit, appeal or other proceeding in which he was in any way professionally engaged. This prohibition, however, does not prevent an Advocate from bidding for or purchasing for his client any property which his client may himself legally bid for or purchase, provided the Advocate is expressly authorised in writing in this behalf.

23. An Advocate shall not adjust fees payable to him by his client against his own personal liability to the client, which liability does not arise in the course of his employment as an Advocate.

24. An Advocate shall not do anything whereby he abuses or takes advantage of the confidence reposed in him by his client.

25. An Advocate should keep accounts of the client's money entrusted to him, and the accounts should show the amounts received from the client or on his behalf, the expenses incurred for him and the debits made on account of fees with respective dates and all other necessary particulars.

26. Where moneys are received from or on account of a client, the entries in the accounts should contain a reference as to whether the amounts have been received for fees or expenses, and during the course of the proceedings, no Advocate shall, except with the consent in writing of the client concerned, be at liberty to divert any portion of the expenses towards fees.

27. Where any amount is received or given to him on behalf of his client, the fact of such receipt must be intimated to the client, as early as possible.

28. After the termination of the proceeding, the Advocate shall be at liberty to appropriate towards the settled fee due to him, any sum remaining unexpended out of the amount paid or sent to him for expenses, or any amount that has come into his hands in that proceeding.

29. Where the fee has been left unsettled, the Advocate shall be entitled to deduct, out of any moneys of the client remaining in his hands, at the termination of the proceeding for which he had been engaged, the fee payable under the rules of the court, in force for the time being, or by then settled and the balance, if any, shall be refunded to the client.

30. A copy of the client's account shall be furnished to him on demand provided the necessary copying charge is paid.

31. An Advocate shall not enter into arrangements whereby funds in his hands are converted into loans.

32. An Advocate shall not lend money to his client for the purpose of any action or legal proceedings in which he is engaged by such client.

Explanation:—An Advocate shall not be held guilty of a breach of this rule, if, in the course of a pending suit or proceeding, and without any arrangement with the client in respect of the same, the Advocate feels compelled by reason of the rule of the court, to make a payment to the court on account of the client for the progress of the suit or proceeding.

33. An Advocate who has, at any time, advised in connection with the institution of a suit, appeal or other matter or has drawn pleadings, or acted for a party, shall not act, appear or lead for the opposite party.

Section III—Duty to Opponent

34. An Advocate shall not in any way communicate or negotiate upon the subject matter of controversy with any party represented by an Advocate except through that Advocate.

35. An Advocate shall do his best to carry out all legitimate promises made to the opposite party even though not reduced to writing or enforceable under the rules of the court.

Section IV—Duty of Colleagues

36. An Advocate shall not solicit work or advertise, either directly or indirectly, whether by circulars, advertisements, touts, personal communications, interviews not warranted by personal relations, furnishing or inspiring newspaper comments or procuring his photograph to be published in connection with cases in which he has been engaged or concerned. His sign-board or name-plate should be of a reasonable size. The sign-board or name-plate or stationery should not indicate that he is or has been President or Member of a Bar Council or of any Association or that he has been associated with any person or organisation or with any particular cause or matter or that he specialises in any particular type of work or that he has been a Judge or an Advocate General.

37. An Advocate shall not permit his professional services or his name to be used in aid of, or to make possible, the unauthorised practice of law by any lay agency.

38. An Advocate shall not accept a fee less than the fee taxable under the rules when the client is able to pay the same.

39. An Advocate shall not enter appearance in any case in which there is already an Advocate on record except with his consent.

Section V—Restrictions on other Employments

40. An Advocate shall not personally engage in any business; but he may be a sleeping partner in a firm doing business provided that, in the opinion of the appropriate State Bar Council, the nature of the business is not inconsistent with the dignity of the profession.

41. An Advocate may be a Director or Chairman of the Board of Directors of a Company with or without any ordinary sitting fee, provided none of his duties are of an executive character. An Advocate shall not be a Managing Director or a Secretary of any Company.

42. An Advocate shall not be a full-time salaried employee of any person, firm, corporation or concern, so long as he continues to practise, and shall, on taking up any such employment, intimate the fact to the Bar Council on whose roll his name appears, and shall thereupon cease to practise as an Advocate so long as he continues in such employment.

43. An Advocate who has inherited, or succeeded by survivorship to, a family business may continue it, but may not personally participate in the management thereof. He may continue to hold a share with others in any business which has descended to him by survivorship or inheritance or by will, provided he does not personally participate in the management thereof.

44. An Advocate may review Parliamentary Bills for a remuneration, edit legal text-books at a salary, do 'Press vetting' for newspapers, coach pupils for legal examinations, set and examine question papers; and, subject to the rules against advertising and full-time employment, engage in broadcasting, journalism, lecturing and teaching subjects, both legal and non-legal.

C. RESOLUTION NO. 11/1965

RESOLVED that Rule 7 of the Rules framed by the Council under Section 15(2)(k) of the Advocates Act, 1961, be amended as follows :—

'In lieu of the figures "270—15—555" substitute the figures "280—20—620".'

A. N. VEERARAGHAVAN
Secretary
Bar Council of India

New Delhi,
30-4-1965.

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

New Delhi-1, the 15th May 1965

No. 60-Misc.(113)/65.—In pursuance of sub-section (1) of Section 13 of the Chartered Accountants Act, 1949 (XXXVIII of 1949), it is hereby notified that the resignation of Shri Nowroji Rustamji Mody, C/o. Messrs. A. F. Ferguson & Co., Allahabad Bank Buildings, Apollo Street, Bombay-1, from the membership of the Council, has been accepted with immediate effect.

C. BALAKRISHNAN
Secretary

CENTRAL SILK BOARD

Bombay-2, the 26th April 1965

No. CSB/ES/65/G.O(20)—In exercise of the powers conferred by Rule 28 of the Central Silk Board Rules, 1955, the Board has been pleased to appoint Shri M. V. Abhyankar, Accountant, Central Silk Board, Bombay-2, as Export Promotion Officer, Central Silk Board, Bombay-2 with effect from the 19th April, 1965 (F.N.)

R. DORAISWAMY
Chairman

DEPARTMENT OF POSTS & TELEGRAPHS Office of the Director General of Posts and Telegraphs

NOTICE

New Delhi-1, the 5th May 1965

No. 25/14/65-LI—Postal Life Insurance LI/55 Policy No. 3479C/75742, dated 5th April 1927 for Rs. 1,000 held by Shri Hariprasad Chimanlal Mehta, having been lost from his custody notice is hereby given that the payment thereof has been stopped. The Deputy Director, P.L.I., Calcutta, has been authorised to issue a duplicate policy in favour of the insured. The public are hereby cautioned against dealing with the original policy.

S. SRINIVASAN
Director
Postal Life Insurance

MINISTRY OF LABOUR AND EMPLOYMENT Office of the Chief Inspector of Mines

Dhanbad, the 4th May 1965

No. 22032-G—In exercise of the powers conferred by Regulation 2(23) of the Coal Mines Regulations, 1957, the following explosive is added to the list of 'Permitted Explosives' suitable for use in any class of gassy mine.

(c) Permissible maximum charge
1.0 K.G. (36 oz) in any one
shothole in coal

Unisax-G
(Approved vide
C.I.M.'s letter
No.
dated

Manufactured by
M/s. Indian Explosives Ltd.,
P.O. Gomia, District—
Hazaribagh.

R. G. DEO
Chief Inspector of Mines